Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-28 are pending in the application, with claims 1, 14, 21, 27 and 28 being the independent claims. Claims 1, 12, 14, 19-21, 27 and 28 are sought to be amended. Support for the amendments is found in the instant specification at least in, for example originally-filed claims 1, 12, 19, 20, 27 and 28 and paragraphs 14, 18, 19, 39, 47-54, 62, 63, 70, 71, 79, 81, 83, 85-90 and 93 FIGs. 1-4A, 4C, 6 and 7. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Further to the Interview Summary mailed April 19, 2011, Applicants submit the following Statement of Substance of Interview conducted between the Examiner and Applicants' representative, Randall K. Baldwin, on April 15, 2011. Applicants' representative gratefully acknowledges the courtesies extended to him by the Examiner in granting a telephone interview on April 15, 2011, during which, the Examiner clarified his comments regarding the objection to claims 12, 19 and 20, the rejection of claims 1, 14, 21, 27 and 28, and his interpretation of the teachings of the applied references. In particular, the Examiner clarified his comments regarding claims 1, 14, 21, 27 and 28 and the teachings of Troyanksy. Applicants' representative also discussed distinctions between claims 1, 14, 21, 27 and 28 and the applied references. Applicants' representative additionally discussed with the Examiner the suggested claim language to convey the aforementioned distinction between the applied references and the claims.

No agreement was reached on specific claim language. Applicants' representative also discussed proposed amendments to claims 27 and 28 and the Examiner agreed that the proposed amendments would overcome the rejection of these claims under 35 U.S.C. § 101. During the interview, the Examiner also clarified that the reference to "Smith *et al.*" on page 16 of the Office Action is a typographical error and stated that he intended to cite Li as a 35 U.S.C. § 103 reference as indicated elsewhere on page 16 of the of Office Action. The substance of the discussion and arguments in the telephone interview is included in the present remarks.

Claim Objections/Allowable Subject Matter

Initially, Applicants gratefully acknowledge the Examiner's indication on page 17 that the patent application contains allowable subject matter. The Examiner states that claims 12, 19 and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed during the aforementioned interview on April 15, 2011, Applicants have, rather than make these claims independent, incorporated certain allowable subject matter from previously pending claim 12 into independent claims 1, 14, 21, 27 and 28, as discussed below as and during the aforementioned telephone conversations. As discussed below, claims 1 and 14 as amended herein are allowable over the applied references. At least based on their respective dependencies to allowable claims 1 and 14, Applicants respectfully request that the objection to claims 12, 19 and 20 be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 101

Claims 27 and 28 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, the Examiner asserts, which Applicants do not concede, that the specification "does not appear to explicitly exclude transitory media and thus would be reasonably interpreted to encompass electronic signals." (Office Action, pages 2-3).

As discussed during the aforementioned interview, Applicants submit that the computer readable storage medium recited in claims 27 and 28 inherently includes non-transitory computer readable media by definition. However, as discussed during the aforementioned telephonic interview, without acquiescing to the propriety of the rejection, Applicants have amended claims 27 and 28 to expedite prosecution.

Claims 27 and 28 as amended herein recite, using respective language, among other features: "[a] non-transitory computer readable storage medium having instructions stored thereon, the instructions comprising:" Applicants note that "a non-transitory computer readable medium," as recited by amended claims 27 and 28, comprises all computer readable media, with the sole exception being a transitory, propagating signal.

Support for these amendments is found in the specification, at least at, for example, paragraphs 14, 18, 19, 85-90 and 93 and FIG. 7 and originally filed claims 27 and 28. By way of example and not limitation, the instant specification describes an exemplary embodiment wherein "[t]he invention can also be embodied as computer readable code on a computer readable medium . . . [t]he computer readable medium is any data storage device that can store data which can thereafter be read by a computer system. Examples of the computer readable medium include read-only memory, random-

access memory, CO-ROMs, DVDs, magnetic tape, [and] optical data storage devices." (Applicants' specification, paragraph 93). Therefore, claims 27 and 28 are tied to statutory classes.

Accordingly, at least based on the amendments above, Applicants respectfully request that the rejection of claims 27 and 28 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-8, 11, 13-18, 21 and 23-28 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,584,466 to Serbinis *et al.* ("Serbinis") in view of U.S. Pub. No. 2005/0168766 to Troyansky *et al.* ("Troyansky").

Claims 9 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Serbinis in view of Troyansky, further in view of U.S. Pat. No. 6,976,259 to Dutta *et al.* ("Dutta").

Claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Serbinis in view of Troyansky, and further in view of U.S. Pub. No. 2004/0193912 to Li et al. ("Li"). As clarified during the aforementioned interview and indicated in paragraph 7 of page 16 of the Office Action, although the Examiner, at page 16 of the Office Action, states "Smith *et al.*", claim 10 was rejected over Serbinis in view of Troyanksy and further in view of Li. Applicants respectfully traverse these rejections for the reasons stated below.

Claims 1, 14, 21, 27 and 28

As discussed during the aforementioned interview on April 15, 2011, without acquiescing to the propriety of the rejections, and merely to expedite prosecution,

Applicants have amended claims 1, 14, 21, 27 and 28 to incorporate certain allowable subject matter of previously pending claim 12. Accordingly, claims 1, 14, 21, 27 and 28 are in condition for allowance.

Independent claims 1, 14, 21, 27 and 28 recite features that distinguish over the applied references. For example, claims 1 and 14 as amended herein respectively recite, among other features, "wherein the . . . secured document includes at least a security information portion and an encrypted data portion, the security information portion including at least an encrypted file key, and wherein the transitioning comprises modifying the . . . secured document by decrypting the encrypted file key and then re-encrypting the file key, whereby the file key is encrypted differently for the current state than the former state."

Applicants have amended independent claims 21, 27 and 28 in a substantially similar manner as claims 1 and 14.

As acknowledged by the Examiner with regards to previously-pending claim 1, Serbinis does not disclose "wherein the external events originate from outside the policy system; nor wherein the policy system is configured to enable the processor to provide a reference to the process-driven security policy to a client computer, the referencing referring to the process-driven security policy and an accessor user list resident on the policy system.." (Office Action, page 5). Applicants agree and further note that the above-quoted features of claims 1, 14, 21, 27 and 28 are not taught or suggested by Serbinis. The Examiner relies on Troyansky to cure the acknowledged deficiencies of Serbinis. In particular, the Examiner asserts, which Applicants do not concede, that Troyansky "discloses a similar invention . . . wherein the external events originate from

outside the policy system . . . wherein the policy system is configured to enable the processor to provide a reference . . . to the process-driven security policy to a client computer, the referencing referring to the process-driven security policy and an accessor user list resident on the policy system" and "it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the disclosure of Serbinis with the additional features of Troyansky *et al.*, in order to allow for monitoring and controlling of unauthorized dissemination of electronic documents on a portable media and enforcement of a distribution policy associated with the documents." (Office Action, pages 5-6).

Even assuming for the sake of argument that Serbinis and Troyansky can be properly combined in the manner suggested by the Examiner, which Applicants do not concede, Troyansky fails to cure the above-noted deficiencies of Serbinis with regards to claims 1, 14, 21, 27 and 28. Troyansky is directed to a "system for the mitigation of illegal and unauthorized disclosure of printed documents and portable media" wherein "some of the decisions made by the system use a rule based decision system, preferably in conjunction with the information gathered in a database" and "a rule can dictate that a certain class of documents should enjoy a stricter or more lax security policy, that a certain group of individuals can override a specified subset of the security provisions for a group of documents, that a certain individual should be silently alerted if a certain document is handled in a specific way (either authorized or unauthorized) by a specific person, etc." (Troyanksy, paragraphs 3 and 897). As discussed during the aforementioned interview, Applicants submit that Troyansky's rules to dictate stricter or more lax security policy for a class of documents and system wherein a certain group of

individuals can override a specified subset of the security provisions for a group of documents is not analogous to "wherein the . . . secured document includes at least a security information portion and an encrypted data portion, the security information portion including at least an encrypted file key, and wherein the transitioning comprises modifying the . . . secured document by decrypting the encrypted file key and then re-encrypting the file key, whereby the file key is encrypted differently for the current state than the former state" as recited, using respective similar language, in claims 1, 14, 21, 27 and 28. Although Troyanksy discloses that "[r]esults of the analysis" of a "to-be printed document . . . can be used in order to apply a policy using a central decision system, based on pre-defined rules . . . [t]he central decision system may instruct not to allow the operation (photocopying, scanning, etc.)" and "[r]esults of the analysis and the operation are preferably stored in a database" (Troyanksy, paragraphs 875 and 899), nowhere does Troyanksy teach or suggest "wherein the transitioning comprises modifying the . . . secured document by decrypting the encrypted file key and then re-encrypting the file key, whereby the file key is encrypted differently for the current state than the former state," as recited, using respective similar language in claims 1, 14, 21, 27 and 28.

Claims 2-8, 11, 13, 15-18 and 23-26

Claims 2-8, 11 and 13 depend from claim 1, and the same arguments above directed to claim 1 apply equally to these dependent claims. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

Also, claims 15-18 are similarly not rendered obvious by Serbinis and Troyanksy for the same reason as independent claim 14, from which they depend, and further in view of their own respective features.

Additionally, at least based on their respective dependencies to claim 21, claims 23-26 should be found allowable over the applied references, as well as for their additional distinguishing features.

Accordingly, Applicants respectfully request that the rejection of claims 1-8, 11, 13-18, 21 and 23-28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 9 and 22

As acknowledged by the Examiner with regards to claim 9, "Serbinis does not explicitly disclose wherein the external events originate from a second document security system." (Office Action, page 15). Dutta does not cure the deficiencies of Serbinis. The Examiner asserts, which Applicants do not acquiesce to, that Dutta "discloses document security system . . . in which change to states is triggered by external events which are originated from a second document security system" and "it would have been obvious at the time the invention was made to one of ordinary skill in the art to add, in the system of Serbinis and Troyansky *et al.*, a server which administer state changes for the document security system as taught by Dutta." (*Id.*).

With regards to claim 22, the Examiner acknowledges that "Serbinis and Leser [sic – Troyanksy] does not explicitly disclose wherein the external events are external to the server computer and the client computer." (Office Action, page 16). The Examiner asserts, which Applicants do not concede that "Dutta discloses wherein external events are external to a document security server and the client computer" and " it would have

been obvious at the time the invention was made to one of ordinary skill in the art to add, in the system of Serbinis and Troyansky et al., a server which administer state changes for the document security system as taught by Dutta." (*Id.*).

Even assuming *arguendo* that Serbinis, Troyanksy and Dutta can be properly combined in the manner suggested, to which Applicants do not acquiesce, Dutta fails to cure the above-noted deficiencies of the allegedly obvious combination of Serbinis and Troyanksy with regards to claims 1 and 21.

Dutta is not stated by the Examiner to teach, nor does it teach or suggest, at least the above-recited distinguishing features of claims 1 and 21.

Claims 9 and 22 depend from claims 1 and 21, respectively, and the same arguments above directed to claims 1 and 21 apply equally to these dependent claims.

Therefore, Dutta cannot cure the deficiencies of Serbinis and Troyanksy, and cannot be used to establish a *prima facie* case of obviousness with regards to claims 9 and 22. Accordingly, Applicants request that the rejection of claims 9 and 22 under U.S.C. § 103(a) be removed.

Claim 10

At page 16 of the Office Action with reference to claim 10, the Examiner acknowledges that "[r]egarding Claim 10, the rejection of claim 9 is incorporated and Serbinis does not teach that the transition rules are written in XML." Rather, the Examiner relies on Li to cure the deficiencies of Serbinis and Troyanksy. In particular, the Examiner asserts, to which Applicants do not acquiesce, that "Smith [sic – Li] *et al.* in the same field of endeavor of network security discloses writing security policies in XML format." (Office Action, page 16). Li does not cure the deficiencies of Serbinis

and Troyansky. Li is not stated by the Examiner to teach, nor does it teach or suggest, at least the above-recited distinguishing features of claim 1.

Claim 10 depends from claim 1, and the same arguments above directed to claim 1 apply equally to this dependent claim.

Therefore, Li cannot cure the deficiencies of Serbinis and Troyanksy, and cannot be used to establish a *prima facie* case of obviousness with regards to claim 10. Accordingly, Applicants request that the rejection of claim 10 under U.S.C. § 103(a) be removed.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Salvador M. Bezos
Attorney for Applicants
Registration No. 60,889

Date: 18 April 2011

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

1328066_1.DOCX